

MD
6/24/21

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
HELENA DIVISION

DEWAYNE BEARCHILD,

Plaintiff,

vs.

LARRY PASHA,

Defendant.

CV 14-12-H-DLC

SPECIAL VERDICT FORM

ORIGINAL

The following Special Verdict contains a number of questions that must be decided by the Jury. Your verdict must be unanimous, meaning all of you must agree on each answer. Please answer the questions in the order they are asked, and please follow the instructions for each question.

We the Jury reach the following Special Verdict:

(1) Did Defendant Larry Pasha act without penological justification during the pat search of Plaintiff Dewayne Bearchild? (*See* Instructions F-10 and F-11.)

Yes _____

No X

If you answered “No” to Question No. 1 do not answer the remaining questions. Sign and date the Special Verdict and notify the bailiff you have completed your deliberation. If you answered “Yes” to Question No. 1 proceed to Question No. 2.

(2) Did Defendant Larry Pasha touch Plaintiff Dewayne Bearchild in a sexual manner, engage in sexual conduct for Mr. Pasha's own sexual gratification, or act for the purpose of humiliating, degrading, or demeaning Mr. Bearchild? (*See* Instructions F-10 and F-11.)

Yes _____

No _____

If you answered "No" to Question No. 2, do not answer the remaining questions. Sign and date the Special Verdict and notify the bailiff you have completed your deliberation. If you answered "Yes" to Question No. 2 proceed to Question No. 3.

(3) State the amount of compensatory damages you award to Mr. Bearchild. (*See* Instruction F-12.)

Amount: \$ _____

If you find that Plaintiff Dewayne Bearchild has established his Eighth Amendment claim against Defendant Larry Pasha, but that he has not established that he is entitled to compensatory damages, please mark a zero ("0") on the line above and proceed to Question No. 4. Otherwise, skip ahead to Question No. 5 after filling out the damages award on the line above.

(4) What amount of nominal damages, if any, do you award to Plaintiff Dewayne Bearchild on his Eighth Amendment claim against Defendant Larry Pasha? (*See* Instruction F-13.)

Amount: \$._____

Please proceed to Question No. 5.

(5) Has Plaintiff Dewayne Bearchild proven that Defendant Larry Pasha's conduct towards him was malicious, oppressive, or committed in reckless disregard of Mr. Bearchild's civil rights, to support an award of punitive damages?

(See Instruction F-14.)

Yes_____

No_____

Please have the foreperson sign and date this Special Verdict and notify the bailiff you have completed your deliberation.

Signed:

Foreperson (Printed Name):

Dated:

6/24/2021